

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MAY 6, 2002

(Approved May 21, 2002)

### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Major Anderson and Industry Liaison Okey.

Ronna Chappell of ILBA, Jim Purucker and Pam Ferguson of WSWI, Lisa Goldner of Bose McKinney and Evans, Mark Shublak of Ice Miller, Debra Scott of IABR were present as observers.

### COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

### DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the April 16, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

### HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the May 6, 2002 meeting, pending approval by Hearing Judge. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-19204 CLAUDIA LARA – This was a recommended denial by the Lake County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to deny this permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RC20-12702 SAMUEL BARNES VFW POST 9944, INC. – This was a recommended denial by the Elkhart County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to approve the permit, but to require the permittee to serve a 10-day suspension. Motion seconded by Commissioner Davis and it was unanimously approved.

### **APPEAL OF HEARING JUDGE'S RECOMMENDATIONS**

There were no Appeals of Hearing Judge's Recommendations.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Four hundred twenty-three (423) renewals approved, forty-six (46) new and/or transfer permits approved, eleven (11) permits conditionally approved, six (6) permits approved for first year escrow, three (3) permits approved for second year escrow and two (2) permits approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR43-19730 CRYSTAL BAKERY, INC. – Vice Chairperson Glass noted this is a new type 112 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

DL49-18879 AMERICAN OIL COMPANY – Vice Chairperson Glass noted this is a new type 116 application with the local board voting two (2) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL49-18794 JOHNSON OIL COMPANY, INC. – Vice Chairperson Glass noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR10-18398 TEDESCO'S AUTHENTIC ITALIAN PIZZERIA LLC – Vice Chairperson Glass noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR10-19283 TEDESCO'S AUTHENTIC ITALIAN PIZZERIA LLC – Vice Chairperson Glass noted this is a new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR79-87214 TAP N' GO INC. – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Lafayette. The permittee is requesting this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

DL67-19658 QUALITY FOODS, INC. – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR29-92176 PEBBLE BROOK GOLF COURSE, LLC – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Noblesville. The

permittee is requesting that this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

DL02-96328 ROMKOR, INC. – Vice Chairperson Glass noted this is a type 217 renewal and transfer of location application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and transfer. Motion seconded by Commissioner Marks and it was unanimously approved.

RR71-02356 BIG J CORPORATION - Vice Chairperson Glass stated this was a renewal and a type 210 permit and a transfer of ownership. The Vice Chairperson stated that she listened to all of the local board tapes concerning this matter and noted that the local board did not vote on the transfer, however, she felt that they did consider it. The transferee is managing this permit currently. Vice Chairperson Glass stated that all of the local board members stated that they had no problems with the transferee.

Chairperson DePrez asked Vice Chairperson Glass if this was a case of an order that was handed down by the Prosecutor and the Commission. The Vice Chair stated that there was an order not to renew the permit to the current owner, but to transfer the permit to a new owner.

Vice Chairperson Glass moved to approve the transfer of the permit to the new owner. Motion seconded by Commissioner Davis and it was unanimously approved.

RR27-08432 S.R.C., INC. – Vice Chairperson Glass noted this is a type 210 transfer of ownership and location application with the local board voting three (3) to zero (0) to disapprove. At the last meeting the Commission mistakenly voted to approve the transfer of ownership and location of this permit.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the transfers. Motion seconded by Commissioner Marks and it was unanimously approved.

### **INACTIVE FILES**

There were no Inactive Files.

## **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

DL45-82281 JASSY, INC. – Chairperson DePrez stated this appeal will be assigned to a hearing officer.

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

ARTS PLACE, INC. WINE TASTING - The Arts Place is requesting permission to hold a wine tasting fundraiser.

IRT CELEBRITY RADIO SHOW FUNDRAISER – Indiana Repertory Theatre would like to serve donated alcoholic beverages at their Celebrity Radio Show.

NATIONAL KIDNEY FOUNDATION BENEFIT – National Kidney Foundation would like to serve donated alcoholic beverages at their benefit.

VIGO BOWL SPECIAL OLYMPICS – Vigo Bowl would like to use their lounge as the tournament check-in and lunch area for the participants at the Special Olympics.

CRISIS CENTER, INC. – Crisis Center would like to serve donated alcoholic beverages at their fundraising event.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **POLICY DETERMINATIONS**

There were no Policy Determinations.

## **UNDER ADVISEMENT**

There were no matters Under Advisement.

## **ANNOUNCEMENTS**

There were no Announcements.

## **ADJOURNMENT**

Commissioner Davis moved to adjourn the meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER